IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.17737 of 2006

DATE OF DECISION: November 10, 2006

Vijay Kumar and others

….Petitioners

VERSUS

The State of Haryana and others

…..Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri Shailendra Jain, Advocate for the petitioners.

Viney Mittal,J.(Oral).

The petitioners are the residents of Colony known as Gupta Colony in Tohana District, Fatehabad. They have approached this Court for issuance of directions to respondent No.5, Municipal Council, Tohana to send the case of the petitioners for approval to respondent No.2, The Director, Urban Development Department, Haryana so that the case of the petitioners can be considered for regularisation of the aforesaid residential colony. The learned counsel for the petitioners points out that on an earlier occasion, the petitioners has filed a representation dated December 23, 2004 (Annexure P.12) but no action was taken thereupon. However, later on the Municipal Council, Tohana, respondent No.5 started sanctioning the building plans of the petitioners and as such residential colony known as Gupta Colony had come into existence. However, now the aforesaid residential colony is being treated as unauthorised and the petitioners

apprehend that demolition of the construction raised by them is being undertaken by the respondents.

After hearing the learned counsel for the petitioners and taking into consideration the various averments made by them in the present petition, we deem it appropriate that for redressal of their grievances, the petitioners should first approach the respondents for seeking the requisite relief.

For this purpose, the petitioners may file a detailed and comprehensive representation, appending all the relevant documents

within a period of four weeks from today before the Director, Urban Development Department, Haryana, respondent No.2. If any such representation is filed by the petitioners before respondent No.2, then respondent No.2 shall take into consideration the aforesaid representation and after affording an opportunity of hearing to the authorised representative of the petitioners, and shall take a final decision thereupon, by passing a detailed and speaking order.

Till the matter is finally decided by the Director, Urban Development Department, Haryana, respondent No.2, no demolition of the construction shall be undertaken. However, we make it clear that if the petitioners fail to file a representation, as aforesaid, within the stipulated period of four weeks from today, then the protection granted to them by this Court vide the present order shall automatically lapse.

A copy of the order be given dasti on payment of usual charges.

(Viney Mittal)
Judge

November 10, 2006
KD

(H.S. Bhalla)
Judge